

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA v. BRIAN A. PERRI	CRIMINAL ACTION NO. 15-486
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MEMORANDUM/ORDER

Defendant/Petitioner, Brian Perri, filed a Motion seeking post-conviction relief on August 19, 2021, ECF 95. Mr. Perri is proceeding *pro se* and *in forma pauperis* and is seeking vacation of the sentence imposed by this Court, and dismissal of the Indictment against him.

The Government's brief, ECF 101, contains an accurate summary of this case, and requires the Court to conclude that Mr. Perri's Petition/Motion is both untimely and barred as a second or successive petition.

Mr. Perri's reply brief, ECF 102, continues to assert his claim that this Court does not have subject matter jurisdiction over the proceedings and thus the Court must grant Mr. Perri relief and dismiss the Indictments against him with prejudice.

Upon review of the pleadings in this case, and the guilty plea which the Defendant entered to the charges against him, and the lack of any direct appeal to the United States Court of Appeals for the Third Circuit, this Court agrees that the Petition must be dismissed as both untimely as a second or successive petition, which this Court has no power to grant.

Therefore, it is, on this 7th day of December, 2021, ORDERED that the Motion at ECF 95 is DENIED.

BY THIS COURT:

/s/ **Michael M. Baylson**

MICHAEL M. BAYLSON
United States District Court Judge